



March 21, 2003

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## ENGROSSED SENATE BILL No. 365

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DIGEST OF SB 365 (Updated February 20, 2003 4:23 PM - DI 84)

**Citations Affected:** IC 10-16; IC 33-1.

**Synopsis:** National guard benefits. Extends the protections of the federal Soldiers' and Sailors' Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to members of the Indiana national guard who are ordered to active duty by the governor.

**Effective:** January 1, 2003 (retroactive).

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**Paul, Young R, Meeks R, Craycraft,  
Landske, Alting, Nugent**

(HOUSE SPONSORS — GRUBB, KOCH, RUPPEL, BUCK)

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January 16, 2003, read first time and referred to Committee on Transportation and Homeland Security.

February 11, 2003, reported favorably — Do Pass.

February 18, 2003, read second time, ordered engrossed.

February 19, 2003, engrossed.

February 20, 2003, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Interstate and International Cooperation.

March 20, 2003, amended, reported — Do Pass.

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ES 365—LS 7726/DI 102+



March 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 365

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-16-7-23 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 23. (a) As used in this**  
4 **section, "active duty" means:**

5 (1) **training or duty under federal law; or**  
6 (2) **state active duty under section 7 of this chapter;**  
7 **performed under an order of the governor.**

8 (b) **The rights, benefits, and protections of the federal Soldiers'**  
9 **and Sailors' Civil Relief Act, 50 U.S.C. App. 501 et seq., as**  
10 **amended and in effect on January 1, 2003, apply to a member of**  
11 **the Indiana national guard ordered to active duty for at least thirty**  
12 **(30) consecutive days.**

13 (c) **The rights, benefits, and protections of the federal**  
14 **Uniformed Services Employment and Reemployment Rights Act,**  
15 **38 U.S.C. 4301 et seq., as amended and in effect on January 1,**  
16 **2003, apply to a member of the Indiana national guard ordered to**  
17 **active duty.**

ES 365—LS 7726/DI 102+



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1       (d) Nothing in this section shall be construed as a restriction or  
2       limitation on any of the rights, benefits, and protections granted to  
3       a member of the Indiana national guard under federal law.

4       SECTION 2. IC 33-1-18 IS ADDED TO THE INDIANA CODE AS  
5       A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
6       JANUARY 1, 2003 (RETROACTIVE)]:

7       **Chapter 18. Protection of Indiana National Guard Members on**  
8       **Active Duty**

9       Sec. 1. (a) An Indiana state court may grant the rights, benefits,  
10       and protections described in section 513 of the federal Soldiers'  
11       and Sailors' Civil Relief Act, 50 U.S.C. App. 513, as amended and  
12       in effect on January 1, 2003, to a person primarily or secondarily  
13       liable on an obligation or liability of an Indiana national guard  
14       member to whom IC 10-16-7-23 applies.

15       (b) All rights, benefits, and protections granted to a person  
16       under subsection (a) are in addition to the rights, benefits, and  
17       protections granted the person under the federal Soldiers' and  
18       Sailors' Civil Relief Act, 50 U.S.C. App. 501 et seq., as amended  
19       and in effect on January 1, 2003.

20       SECTION 3. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senators Meeks R, Craycraft and Landske be added as coauthors of Senate Bill 365.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 365 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 365.

PAUL

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SENATE MOTION

Mr. President: I move that Senator Nugent be added as coauthor of Engrossed Senate Bill 365.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Senate Bill 365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 10-2-4-24" and insert "IC 10-16-7-23".

Page 1, line 2, delete "JULY".

Page 1, line 3, delete "1, 2003]:" and insert "JANUARY 1, 2003 (RETROACTIVE)]:".

Page 1, line 3, delete "24." and insert "**23.**".

Page 1, line 5, delete "4" and insert "7".

Page 2, line 4, delete "JULY".

Page 2, line 5, delete "1, 2003]:" and insert "JANUARY 1, 2003 (RETROACTIVE)]:".

Page 2, line 13, delete "IC 10-2-4-24" and insert "**IC 10-16-7-23**".

Page 2, after line 18, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 365 as printed February 12, 2003.)

KROMKOWSKI, Chair

Committee Vote: yeas 11, nays 0.

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